

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

September 19, 1997

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EMS TRANSMISSION 9/23/97  
Instruction Memorandum No. 97-179  
Expires: 9/30/98

To: All Field Officials

From: Assistant Director, Renewable Resources and Planning

Subject: Draft Interagency Categorical Exclusions

DD: 10/10/97

Over the last year, the Bureau of Land Management (BLM) and the Forest Service (FS) have been in the process of revising their respective emergency actions and categorical exclusion procedures under the National Environmental Policy Act (NEPA). Six months ago, the BLM and the FS decided to pursue the development of joint procedures where possible. This effort has been agreed to by the Council on Environmental Quality. We believe this approach will provide a common direction for both agencies and will better serve the public needs by providing one list instead of two. This common list will especially be helpful to line managers with current joint BLM/Forest Service responsibilities and to future joint management actions. To date, the interagency development team has found no situation requiring a separate agency-only category.

Attached for your review and comment is a copy of the current working draft. Please provide comments by COB, October 10, 1997, to Carol MacDonald, WO Planning, Assessment, and Community Support (PACS) Group (WO-210, LS-1075), or via GroupWise to cmacdona. The team is providing distribution throughout all levels of the BLM for comment. However, to expedite the team's review, we request that the State Offices coordinate and consolidate their field office responses along with their own responses. (The Forest Service is conducting a similar field office review at this time.)

In addition, there will be a nationwide interagency satellite broadcast on October 1, 1997, from 9:00 to 11:00 a.m. to answer questions and provide information about this draft.

The proposed categorical exclusion list will also be posted on the PACS Intranet home page.

This draft was developed by combining existing BLM and Forest Service direction with recently approved categories from other land management agencies. Comments on several earlier drafts of revised categories were also incorporated. Upon receiving your comments, the team will correct this draft and publish it in the Federal Register for public comment.

Please note that this working draft is not in the format that will appear in the agency-specific Federal Register notices, because departmental and agency manual formats differ. There will be other agency-specific procedural direction attached to these categorical exclusions when they are individually published.

In this working draft, you will find:

- o The concept of exceptions to the NEPA process has been expanded to improve public understanding of when NEPA does not apply. The exceptions section includes: A. Actions Congressionally Exempt from NEPA Compliance; B. Specific Emergency Actions; C. Hazardous Substance Cleanup and Removal; and D. Classified Actions.
- o The categorical exclusions are presented under classes that set the themes for the categories. The classes are: I. Administrative Actions; II. Occupancy, Use and Ownership; III. Construction, Reconstruction, Reclamation; and IV. Resource Management.
- o Administrative actions do not have identified extraordinary circumstances because in and of themselves they have no significant effect on the human environment, individually or cumulatively. Extraordinary circumstances are those situations in which a normally excluded action may have a significant environmental effect (40 CFR 1508.4).
- o Each category is organized as follows:
  - Category title,
  - Category definition,
  - Limits of Use (not currently found in each category, but may be added), and
  - Examples.
- o Examples have been limited in number. This has been done in an attempt to make the direction more flexible and to focus on the effects of the action instead of the purpose for the action. To build examples for every possible land or resource decision that can be logically categorically excluded is impossible; therefore, the team has chosen to emphasize "not limited to" throughout the document, establish limits of use, and provide further direction and discussion in the *Federal Register* preamble. While the team emphasizes that decisions are "not limited to" the examples, past practice has shown that decisionmakers often fail to take advantage of a specific category because they do not have a specific example for what they are addressing. The team hopes that continued stressing of "not limited to" and a good preamble explanation will clarify agency intent for use of categorical exclusions.

To help in your review, we have attached two matrices identifying the relationship between existing categorical exclusions (BLM and Forest Service) and the categorical exclusions in the draft list.

If you have questions concerning this material, please call one of the following PACS Planning/Environmental Analysts: Neil Talbot, BLM Categorical Exclusion Team Leader, at (702) 785-6485; Gregg Simmons at (602) 417-9446; or Carol MacDonald at (202) 452-5111.

Signed by:  
Tom Walker  
Deputy Assistant Director  
Renewable Resources and Planning

Authenticated by:  
Robert M. Williams  
Directives and Records  
Group, WO540

### 3 Attachments

- 1 - Draft joint categorical exclusion list (20 pp)
- 2 - BLM Categorical Exclusion Matrix (identifying relationship between existing BLM categorical exclusions and the draft list) (3 pp)
- 3 - Forest Service Categorical Exclusion Matrix (identifying relationship between existing Forest Service categorical exclusions and the draft list) (1 p)

BUREAU OF LAND MANAGEMENT (BLM) AND FOREST SERVICE (FS)

**JOINT CATEGORICAL EXCLUSION LIST**

**Exceptions from BLM and FS NEPA Procedures**

The following actions are exceptions to the normal BLM and FS NEPA procedural or documentation requirements.

**A. Actions Congressionally Exempt from NEPA Compliance**

These are specific actions which Congress legislatively exempts from agency NEPA procedures on an individual basis (e.g., construction of the Alaska Pipeline).

**B. Specific Emergency Actions**

The Council on Environmental Quality (CEQ) has defined emergency actions at 40 CFR 1506.11: *Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations [40 CFR 1500-1508], the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.*

The following are the BLM and FS identified emergency actions and their alternative arrangements with CEQ.

1. Flood Control - Emergency control efforts to arrest the spread of flood waters and emergency flood damage rehabilitation actions for soil stabilization to protect public health may be taken without documentation. The appropriate level of NEPA analysis and documentation must be accomplished for other restoration and repair work.
2. Fire Suppression - Emergency efforts to control the spread of wildfires by initial action response does not require documentation (FSM 5131). A Wildland Fire Situation Analysis must be prepared to facilitate decisions regarding suppression strategies on wildland fires. Damage to natural resources by fire suppression activities requires immediate rehabilitation and can be implemented without NEPA analysis and documentation. Examples of actions include water-barring and revegetation of fire lines, rehabilitation of areas used for fire camp and equipment staging, and similar activities.
3. Human Health and Safety - Search and rescue activities do not require NEPA analysis and documentation.

4. Other Emergency Actions - For other emergency actions that may require alternative arrangements, contact the following offices regarding consultation with CEQ:

BLM: Washington Office Deputy Group Manager, Planning, Assessment, and Community Support.

FS: Washington Office Director of Ecosystem Management Coordination (FSM 1950.41b and 1950.42).

**C. Hazardous Substance Cleanup and Removal** Cleanup and removal of hazardous substances are handled under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA).

**D. Classified Actions**

CEQ has defined classified actions at 40 CFR 1507.3(c): *Agency procedures may include specific criteria for providing limited exceptions to the provisions of these regulations for classified proposals. They are proposed actions which are specifically authorized under criteria established by an Executive Order or statute to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order or statute. Environmental assessments and environmental impact statements which address classified proposals may be safeguarded and restricted from public dissemination in accordance with agencies' own regulations applicable to classified information. These documents may be organized so that classified portions can be included as annexes, in order that the unclassified portions can be made available to the public.*

1. Cannabis Eradication - Among the exemptions to public disclosure requirements, the Freedom of Information Act contains an exemption for law enforcement purposes to the extent that production of investigatory records would (A) *interfere with enforcement proceedings, ... (E) disclose investigative techniques and personnel.* (5 U.S.C. 552(b)(7)(1977)). Cannabis eradication falls within the scope of this exemption. For this reason, environmental and decision documents which address cannabis eradication should be withheld from public disclosure until the cannabis has been eradicated from the site or until law enforcement needs no longer require that they be withheld.

## **CATEGORICAL EXCLUSIONS**

A proposed action may be categorically excluded from either an EA- or EIS-level analysis when:

- a. The proposed action is within one of the categories established herein;
- b. When the responsible official determines that extraordinary circumstances (40 CFR 1508.4) do not preclude the use of the category; and
- c. The proposal does not individually or cumulatively have a significant effect on the human environment (40 CFR 1508.4).

Although the proposal meets all the above requirements, the responsible official may decide that additional documentation would further public understanding of the proposal and its effects. In such cases, *agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decisionmaking* (40 CFR 1501.3(b)).

The following is a list of actions which normally do not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, may be categorically excluded from documentation in an EA or EIS. If the official making the decision determines that extraordinary circumstances precludes the use of a categorical exclusion or the proposed action may cause significant effects, then an EA- or EIS-level analysis will be prepared. Proposed actions may be covered under more than one category. Each proposal must be void of any extraordinary circumstances and satisfy any limits of use provided for the category.

### **Classes of Actions:**

Similar categories have been grouped under four classes of actions to provide a broad framework as to the nature of effects for the category. These classes are: Administrative Actions; Occupancy, Use, and Ownership; Construction, Reconstruction, Reclamation; and Resource Management. Within each class, categories are established to provide further direction. A list of examples is displayed under each category. These are representative. They are not exclusive or exhaustive. Each category allows for many types of similar projects in addition to the examples. Any limits to the category are provided.

### **Class I: Administrative Actions**

Administrative actions is a class of actions dealing primarily with policy development, law

enforcement, budgetary, contract administration, adjudication, debarment, research, and survey actions which do not have individual or cumulative effects on the human environment; therefore, no environmental documentation is required under NEPA (40 CFR 1508.14). Public participation for these actions is through public comment for the development of this rule; therefore, no additional public comment is required.

**Extraordinary circumstances:**

There are no extraordinary circumstances established for administrative actions.

**Category 1: Departmental Categorical Exclusion List**

Both the Bureau of Land Management and the Forest Service may use any of the following established categorical exclusions for the Department of Agriculture and Department of the Interior.

Department of Agriculture categorical exclusions pursuant to 7 CFR 1b.3(a) are:

- (1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;*
- (2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;*
- (3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;*
- (4) Educational and informational programs and activities;*
- (5) Civil and criminal law enforcement and investigative activities;*
- (6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation;*
- (7) Activities related to trade representation and market development activities abroad.*

Department of the Interior categorical exclusions pursuant to 516 DM 2.3A(2) are:

- 1.1 Personnel actions and investigations and personnel services contracts.*
- 1.2 Internal organizational changes and facility and office reductions and closings.*
- 1.3 Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties.*
- 1.4 Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, settlement, appeal or compliance.*
- 1.5 Regulatory and enforcement actions, including inspections, assessments,*

*administrative hearings and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it.*

- 1.6 Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities.*
- 1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g., limited size and magnitude or short-term effects.*
- 1.8 Management, formulation, allocation, transfer and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)*
- 1.9 Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.*
- 1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.*
- 1.11 Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public.*

## **Category 2: Procedural Rules and Regulation Development**

Rules and regulations codified in the CFRs and issuances to the BLM or FS directive systems that establish broad program objectives, standards, procedures, definitions, and methodologies as well as technical or specific operational guidance.

Examples include but are not limited to the following:

- (a) A rule or agency directive implementing a uniform process for responding to proponents of land exchanges or for establishing land and resource values to be acquired or exchanged.
- (b) A manual or handbook amendment, supplement, or interim directive to establish a uniform scientific methodology for evaluating the effects of emissions on air quality related values.



- (c) A rule to increase recreation-related fees for special recreation permits for commercial, competitive, special area, or organized group activities or events; recreation use permits for use of recreation sites and facilities; entrance fees, and access fees for use of parking areas, boat ramps, and trail heads.
- (d) A handbook issuance to change standard required clauses in contracts or other authorizing instruments.

### **Category 3: Orders**

Orders and prohibitions issued to provide short-term resource protection or to protect public health and safety.

Examples include but are not limited to the following:

- (a) Temporary closure of roads or specific areas for resource protection.
- (b) Closing an area during a period of extreme fire danger.

### **Category 4: Agreements**

Written agreements between parties which establish a course of action with respect to rights, duties, roles, responsibilities and mutual obligations. These agreements do not include land use and occupancy authorizations such as special use permits and concession contracts (see Class II, Category 1).

Examples include but are not limited to the following:

- (a) Memorandums of agreement with other Federal agencies, State, local, or tribal governments, or nongovernmental entities establishing cooperative ventures or procedures or defining roles in collaborative undertakings.
- (b) Approval of unitization agreements, communitization agreements, drainage agreements, underground gas storage agreements, compensatory royalty agreements, or development contracts.
- (c) Approval of the adoption of healthy, excess wild horses and burros.

### **Category 5: Rights and Real Property Determinations**

Agency determinations, conclusions, or resolutions to settle a dispute or other question dealing with rights and real property.

Examples include but are not limited to:

- (a) Corrections of patents and other conveyance documents under Section 316 of FLPMA and other applicable statutes.
- (b) Determinations or findings as to the potential validity of claims or assertions to rights or real property interests in BLM or National Forest system lands or water development facilities.
- (c) Administrative findings as to the potential validity of assertions of interest in existing road rights-of-way as public highways pursuant to Section 8 of the Act of July 26, 1866 (R.S. 2477), or for existing water development facilities (ditches and canals), pursuant to Section 9 of the Act of July 26, 1866 (R.S. 2477), or for title of any land or interest pursuant to the Act of July 8, 1943.

### **Category 6: Rejections of External Proposals**

Certain actions may be rejected because they were not solicited by the agency or because of statutory or regulatory authority.

Examples include but are not limited to:

- (a) Rejection of a request for permit for a bungee jumping enterprise on agency lands when the proposal was not solicited by the BLM and FS.
- (b) Proposals that do not conform to the land use plan and do not warrant further consideration.
- (c) The proposal is not within agency authority to approve.

### **Category 7: Designations**

Assigning a descriptive name or title to an area to distinguish it from another for a specific purpose.

Limits of Use: This does not apply to designation of areas addressed under land and resource management planning guidance for plan development.

Examples include but are not limited to the following:

- (a) Administrative designation of site or route to highlight recreation opportunities on public lands, such as Back Country Byway, Scenic Highways, Watchable Wildlife, or similar point of interest, involving no changes in allocations or land use plans.
- (b) Conversion of existing rights-of-way grants to Title V grants or existing leases to Federal Land Policy and Management Act (FLPMA) Section 302(b) leases where no new facilities or other changes are needed.
- (c) Recognizing existing roads in any transportation plan when no new construction or upgrading is needed.
- (d) Rendering formal classification of lands as to their mineral character and waterpower and water storage values.
- (e) Designation of logical mining units or domestic livestock grazing allotments.

#### **Category 8: Contract Administration, Compliance Reviews, and Debarments**

Actions taken to ensure compliance with terms and conditions of contracts, permits, leases, orders, and other agreements.

Examples include but are not limited to the following:

- (a) Approval of suspensions of operations, *force majeure* suspensions, and suspensions of operations and production for fluid or solid minerals operations.
- (b) Actions required to ensure compliance with the terms of wild horse and burro Private Maintenance and Care Agreements.
- (c) Findings of completeness furnished to the Office of Surface Mining Reclamation and Enforcement for Resource Recovery and Protection Plans.
- (d) Suspension or debarment of contractors who are shown to be presently non-responsible.

- (e) Monitoring the impacts of previously approved activities.
- (f) Suspension and cancellation of grazing permits.

**Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use**

Continued use of land including the issuance of a permit or reauthorization of an existing use.

Limits of Use: Impacts are limited to administrative effects such as administrative changes as to who is the permittee, permit term or fee structure.

Examples include but are not limited to the following:

- (a) Issuance of a permit or administrative conveyance for an existing use to a new owner or a reauthorization of an expired permit, with no change in facilities, Master Development Plan, or amount or type of activities.
- (b) Approval of transfers or reauthorization of grazing permits or leases or mineral lease, including assignments and subleases.
- (c) Transfer or conversion of leases, permits, or rights-of-way from one agency to another or transfer of land or interest in land between Federal agencies, or with State and county governments where current management will continue and future changes in management will be subject to a public participation process.
- (d) Issuing a title or recordable disclaimers of interest or resolution of class one color-of-title cases.
- (e) Actions taken in conveying mineral interest, where there are no known mineral values in the land, under Section 209(b) of the FLPMA.
- (f) Reauthorization or transfer of existing special use or special recreation permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations and which do not require modification of land use plan decisions.
- (g) Reauthorization of short-term geological, mineral, energy, or geophysical investigations and their incidental support actions including drilling core holes, stratigraphic holes, seismic holes, monitoring wells, etc., which use existing roads or when off-road travel does not create rutting or severe damage to the vegetation.

**Category 10: Operation and Maintenance**

Maintenance, operation, and repair of existing administrative sites, recreational facilities, trails, roads, structures, and land lines.

Limits of Use: Commercial salvage sale of vegetative products is not covered by this category.

Examples include but are not limited to:

- (a) Installation and maintenance of signs, markers, culverts, ditches, waterbars, gates, or cattle guards on or adjacent to existing roads, trails, land lines, and fences.
- (b) Continued operation of a facility under an agency-approved authorizing document regardless of facility ownership.
- (c) Surveying, painting, and posting land line and marking timber sale unit boundaries and trees.

## **Class II: Occupancy, Use, and Ownership**

Actions which permit or change occupancy, use, or ownership of agency lands and resources.

### **Extraordinary circumstances:**

The following exceptions/extraordinary circumstances apply to individual actions within categorical exclusions. Environmental documents must be prepared for actions which may:

- 1. Have significantly adverse effects on public health or safety.
- 2. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department of the Interior's National Register of Natural Landmarks. This exception includes other unique characteristics such as National Recreation Areas, Areas of Critical Environmental Concern, National Monuments, inventoried roadless areas, wilderness study areas, and Research Natural Areas.
- 3. Have highly controversial environmental effects on the human environment (see 40 CFR 1508.14). The courts have defined highly controversial as cases where a substantial dispute exists as to the size, nature or effect of the proposed action rather than the existence of opposition to a use.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. This exception includes unstable slopes or highly erosive soils.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
6. Be directly related to other actions with individually insignificant but cumulative significant environmental effects.
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. This includes Native American religious or cultural sites, archaeological sites, or historic properties or areas.
8. Have adverse effects on species listed or proposed to be listed on the list of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. This includes impacts on species designated by the agency as sensitive and their habitat impacts.
9. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.
10. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment. This exception applies to all laws, regulation, and agency policy including environmental justice and tribal trust responsibilities.
11. The proposal involves unresolved conflicts concerning alternative uses of available resources not decided in an approved management plans.
12. The proposal does not require modification or amendment of the terms, conditions, or decisions of the approved plan.

When a threatened or endangered species or its habitat are encountered, a biological evaluation shall document the determination of effect to the species. The responsible official may proceed with the proposed action without preparing an EA- or EIS-level analysis when the biological evaluation documents a determination of either 1) “No Effect” or 2) “May Effect, not likely to adversely effect” when the effect is beneficial to the species.

### **Category 1: Approval, Issuance, Authorization, Reauthorization**

Agency actions which confirm, sanction, or otherwise give consent to another agency, group or person to take a specified action to use and occupy Federal lands.

Limits of Use: Actions must meet terms and conditions established in approved Land Use Plans/Land and Resource Management Plans.

Examples include but are not limited to:

- (a) Issuance of a permit or use authorization to individuals, organized groups, outfitters and guides where activities use existing roads, trails, and camp and other sites which will be restored to near original condition.
- (b) Issue a permit approving the personal or commercial gathering of firewood, Christmas trees, posts, poles, berries, cones, ferns, seeds, mushrooms, decorative boughs, basketry material, transplants, floral products, and short-term geological investigations and the gathering of geological material, or approving the removal of mineral materials (such as sand, stone, gravel, pumice, pumicite, cinders, and clay) from an existing community pit or common-use area or limited common variety mineral removals outside existing designated sites.
- (c) Issuance of rights-of-way or land use authorizations for such use as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to near original condition.
- (d) Approval or acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, existing water system, or sites for the same or similar purposes or to grant rights-of-way for utility service or terminal access roads to structures, devices, and improvements.
- (e) Establishing terms and conditions for use of agency administered lands, where a proponent has an existing private right and agency discretion is limited to imposing terms and conditions on such use.
- (f) Authorizing or reauthorizing grazing use on an existing grazing allotment which includes terms and conditions to implement approved standards and guidelines.
- (g) Authorizing and regulating the use of agency lands for exploration, development, and production associated with reserved and outstanding mineral rights, such as constructing a road and well pad for oil and gas development.
- (h) Issuance of future mineral interest leases where the subject lands are already in production.
- (i) Approval of infill drilling permits within existing oil and gas fields, when the cumulative impacts of field development have been previously addressed.

- (j) Approval of mineral lease readjustments, renewals and transfers, including assignments and subleases, or for salable and locatable minerals, approval of title transfers or reassignment of rights.
- (k) Approval of on-lease-drilling when requested or required by BLM/surface management agency for monitoring purposes.
- (l) Approval of short-term geological, mineral, energy, or geophysical investigations and their incidental support actions including drilling core holes, stratigraphic holes, seismic holes, monitoring wells, etc., which use existing roads or when off-road travel does not create rutting or severe damage to the vegetation.

## **Category 2: Minor Modifications and Termination of Use**

Actions which allow minor changes in or terminates an existing use or agreement.

Limits of Use: Minor modifications to authorizations, permits, or agreement may introduce or cancel specific elements when they conform to the terms, conditions, and decisions of the approved plan.

Examples include but are not limited to:

- (a) Modification of existing leases, special use or special recreation permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.
- (b) Approving minor improvements, modifications, amendments, or variances incidental to use of an existing residence, rights-of-way, or activities described in approved development or production plans.
- (c) Withdrawal revocations, terminations, extensions or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions prior to implementation are in conformance with and are covered by a management plan or plan amendment.
- (d) Approval of minor modifications to or minor variances from activities described in an approved exploration plan for leasable, salable, and locatable minerals (e.g., the approved plan identifies no new surface disturbance outside the areas already identified to be disturbed).



- (e) Modifications of terms and conditions of existing grazing permits or leases including the authorization of range improvements.
- (f) Withdrawal revocations, terminations, extensions or modifications and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.
- (g) Modifications of short-term geological, mineral, energy, or geophysical investigations and their incidental support actions including drilling core holes, stratigraphic holes, seismic holes, monitoring wells, etc., which use existing roads or when off-road travel does not create rutting or severe damage to the vegetation.

### **Category 3: Ownership**

Agency actions to acquire, sell, or exchange land or interest in real property.

Limits of Use: The resulting land and resource use will remain essentially the same and does not required documentation in an EA or EIS as specified in other agency guidance.

Examples include but are not limited to:

- (a) Acquisition or sale of interest in real property, or accepting donations of land or water developments.
- (b) Exchange of land or interests in land, or property, with another Federal agency.
- (c) Authorizing the BLM to issue leases on producing wells when mineral rights have reverted to the United States from private ownership and there is no change in activity.
- (d) Sale or exchange of land or interests in land and resources.
- (e) Conveyance of land, or interests in land, pursuant to the Small Tracts Act and other sale and grant authorities.

### **Class III: Construction, Reconstruction, Reclamation**

Actions which include construction, reconstruction, removal, rehabilitation, reclamation, and obliteration of facilities, structures, devices, roads, and trails. Ownership of the facility, structure, or device and implementation of the action by others (e.g., cooperating agency, contractor, concessionaire, or permittee) is not a determining factor for the use of this category.

**Extraordinary circumstances:**

Extraordinary circumstances to be considered by the responsible official making the determination for the construction, reconstruction, and reclamation class of actions are the same as those established for Class II: Occupancy, Use, and Ownership.

**Category 1: Facilities, Structures, and Devices**

Actions relating to construction, reconstruction, removal, rehabilitation, reclamation, and obliteration of facilities, structures, and devices.

Limits of Use: Actions do not generally exceed 5 acres in size or where impacts are limited or minor effects are anticipated. Rehabilitation work will restore the land to desired condition identified in a management plan.

Examples include but are not limited to:

- (a) Installation, construction, reconstruction, redesigning, rearranging, removal, or obliteration of improvements, facilities, and safety devices (i.e., meteorological sampling sites, nesting platforms, wildlife islands, in-stream fisheries improvement projects, electrocution prevention devices, snow or range fences, gates, gabions, cattle guards, corrals, kiosks, restrooms, fire rings, signs, utilities, checkdams, and water developments).
- (b) Construction and rehabilitation of well pads and other facilities related to routine oil and gas or other mineral operations.
- (c) Removal of structures and materials of nonhistorical value, such as abandoned automobiles, fences, recreation sites, and buildings, including those built in trespass, and reclamation of the site.

**Category 2: Roads and Trails**

Actions relating to construction, reconstruction, removal, rehabilitation, reclamation, and obliteration of roads and trails.

Limits of Use: Actions do not generally exceed 1 mile of new road construction or 5 miles of new trail construction.

Examples include but are not limited to:

- (a) Construction, reconstruction, resurfacing, and minor improvements, closure, or obliteration of roads, turnouts, trails, and bridges, small parking areas.
- (b) Obliterating a road or trail including removing culverts and fills, and associated resource protection activities like planting, seeding, grass, and closing entrance by gate or concealment.
- (c) Construction of a road across agency lands for access to land or interests in land in other ownership.

#### **Class IV: Resource Management**

Specific actions for the management of habitat, vegetation, and animals. Implementation of the action by others (e.g., cooperating agency, contractor, or permittee) is not a determining factor for the use of this category.

##### **Extraordinary circumstances:**

Extraordinary circumstances to be considered by the responsible official making the determination for the resource management class of actions are the same as those established for Class II: Occupancy, Use, and Ownership.

##### **Category 1: Vegetation Management by Fire.**

Actions for management of vegetation and habitat by fire.

Limits of Use: Actions do not require road construction in excess of approximately 1 mile and do not need a timber sale contract to implement.

Examples include but are not limited to:

- (a) Lowering fuel accumulations by fire including areas located in the urban/public land interface.
- (b) Burning activities for improvement of stand structure, vigor, or seral status to meet desired vegetative health, wildlife habitat, or watershed conditions.
- (c) Site preparation by prescribed burning.

**Category 2: Other Vegetation Management Without Use of a Timber Sale Contract.**

Actions for management of vegetation and habitat without the use of fire or the need of a timber sale contract.

Limits of Use: Actions do not require road construction in excess of approximately 1 mile and do not use the aerial application of pesticides. Surface disturbing actions do not exceed 250 acres.

Examples include but are not limited to:

- (a) Thinning or removing debris to lower fuel accumulations, including areas located in the urban/public land interface.
- (b) Thinning activities for improvement of stand structure, vigor, or seral status to meet desired vegetative health, wildlife habitat, or watershed conditions.
- (c) Girdling, topping, or blasting trees to create snags or adding brush to fish beds.
- (d) Eradication, control, and management treatments of exotic/invasive pests such as noxious weeds including the use of biological and chemical agents consistent with decisions documented in RODs for programmatic EISs or other environmental documents.
- (e) Clearing vegetation to facilitate movement of livestock or wildlife.
- (f) Hand or ground-mechanical application of registered pesticides to control rodents, vegetation, or insects at designated administrative and recreational sites.
- (g) Trimming, pruning, felling or removing individual hazard trees and other vegetation from around recreational residences, recreation sites, trails, culverts and roads without the use of a timber sale contract.

**Category 3: Site Preparation, Regeneration and Timber Stand Improvement Other Than Fire**

Actions taken to prepare an area for reforestation, regeneration of the site, and maintenance of vegetation growth and vigor without the use of fire.

Limits of Use: Actions will restore the area to native vegetation, do not use the aerial application of pesticides, and do not require road construction in excess of approximately 1 mile. Administrative nursery sites are exempt from the native vegetation restriction.

Examples include but are not limited to:

- (a) Site preparation and seedling protection activities like brushing, piling, weeding, grubbing, mulching, shading, soil ravel protection, hand scalping.
- (b) Silvicultural activities in nurseries, seed orchards, and progeny test sites including the use of registered pesticides.
- (c) Planting or seeding native vegetation to provide resource protection following a fire, flood, landslide, or other catastrophic event.
- (d) Mechanical or herbicide release, cleaning, pruning, and fertilization of timber stands and plantations.

#### **Category 4: Vegetation Management by a Timber Sale Contract**

Actions where a timber sale contract is being used to reach a management objective. Personal and commercial permits are covered under Class II, Category 1: approval, issuance, authorization.

Limits of Use: Volume of harvest does not exceed 250,000 cubic feet of merchantable wood products, actions do not require road construction in excess of approximately 1 mile, and even-aged management opening size does not exceed acreage limits for the forest type.

**FS:** Opening size acreage limits are defined at 36 CFR 219.27(d)(2).

This category is subject to 36 CFR 215 requirements for notice and comment, plus administrative appeal opportunities. A Decision Memo and project file are required.

Examples include but are not limited to:

- (a) Harvesting or salvaging up to 250,000 cubic feet of wood products and constructing up to one mile of roads.
- (b) Thinning up to 250,000 cubic feet of timber from over-stocked timber stands, including the construction of up to one mile of roads.

### **Category 5. Wildlife, Livestock, and Wild Horses and Burros Management**

Actions dealing directly with wildlife, fish, livestock, and wild horses and burros but not their habitat.

Limits of Use: Exotic species as defined by E.O. 11987 (Exotic Organisms) are not to be introduced to an area. Animal damage control activities are coordinated with Animal and Plant Health Inspection Service-Wildlife Services guidelines.

Examples include but are not limited to:

- (a) Capture, removal, transportation, placement, preparation of excess wild horses and burros for adoption. Preparation includes: sorting, veterinary care, vaccinating, testing for diseases, training, gelding, marketing, maintaining, feeding, and trimming of hooves.
- (b) Destruction of old, sick, injured or lame animals as an act of mercy.
- (c) Emergency watering or feeding of livestock, wildlife, wild horses, or burros during periods of extreme adverse weather conditions.
- (d) Reintroductions, transplants and/or augmentation of fish and wildlife by State Management agencies.
- (e) Animal damage control activities by relocation, trapping, fencing, and application of approved repellants and ground applied pesticides.

### **Category 6: Burned Area Rehabilitation**

Rehabilitation of areas damaged by wildland fire to prevent watershed emergencies that would result in loss of site productivity, deterioration of water quality, or loss of property both on site and downstream.

Limits of Use: Actions do not include salvage logging, contour terracing or trenching, construction of engineered large-capacity sediment and flood retention structures, and other long-term soil disturbance.

**BLM:** See Handbook H-1742.1, Emergency Fire Rehabilitation, for instruction on when to prepare either an emergency fire rehabilitation plan or a normal fire rehabilitation plan and for project implementation and monitoring.

**FS:** See FSH 2509.13 for instruction on when to prepare a Burned Area Emergency Rehabilitation Report and direction on project implementation and monitoring.

Examples include but are not limited to:

- (a) Seeding to establish ground cover.
- (b) Falling of burned trees on the contour to trap eroding soil on-slope.
- (c) Providing proper drainage for trails and roads.
- (d) Clearing debris accumulations that threaten bridge integrity.
- (e) Building check dams to capture sediment.

**BLM CATEGORICAL EXCLUSION MATRIX:  
COMPARISON OF DEPARTMENTAL MANUAL LIST WITH THE  
PROPOSED JOINT BLM AND FOREST SERVICE CATEGORICAL EXCLUSION LIST**

The following is a list of BLM's Departmental Manual 516 DM 6 Appendix 5 Categorical Exclusion headings (in italics). The numbers in parenthesis, i.e. (1), represent the number of the categorical exclusion in the existing list and the information that follows gives the location where this categorical exclusion is addressed in the new combined list.

***A. Fish and Wildlife***

- (1) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)
- (2) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)
- (3) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)
- (4) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (c)
- (5) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (d)
- (6) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (e)
- (7) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)

***B. Fluid Minerals***

- (1) Class II: Occupancy, Use, and Ownership; Category 3: Approval, Issuance, Authorization, Reauthorization; (h)
- (2) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use; (b)
- (3) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications, Renewals, and Termination of Uses; (b)
- (4) Class I: Administrative Actions; Category 4: Agreements; (b)
- (5) Class I: Administrative Actions; Category 8: Contract Administration, Compliance Reviews, and Debarments; (a)
- (6) Class I: Administrative Actions; Category 4: Agreements; (b)

***C. Forestry***

- (1) Class IV: Resource Management; Category 3: Site Preparation, Regeneration and Timber Improvement other than Fire; (b)
- (2) Class IV: Resource Management; Category 2: Other Vegetation Management without use of a Timber Sale Contract; (a)(b)
- (3) Class IV: Resource Management; Category 3: Site Preparation, Regeneration and Timber Improvement other than Fire; (a)(c)
- (4) Class IV: Resource Management; Category 2: Other Vegetation Management without use of a Timber Sale Contract; (a)(b)
- (5) Class II: Occupancy and Use, Category 1: Approval, Issuance, Authorization (b)

***D. Range Management***

- (1) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use; (b)
- (2) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)

Attachment 2-1

- (3) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (c)
- (4) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (a)
- (5) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (a)
- (6) Class I: Administrative Actions; Category 4: Agreements; (c)
- (7) Class I: Administrative Actions; Category 8: Contract Administration, Compliance Reviews and Debarments; (b)
- (8) Class I: Administrative Actions; Category 4: Agreements; (c)
- (9) Class IV: Resource Management; Category 5: Wildlife, Livestock, and Wild Horses and Burros Management; (b)

***E. Realty***

- (1) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (c)
- (2) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (f)
- (3) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (c)



- (4) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use; (c)
- (5) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use; (e)
- (6) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use; (d)
- (7) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use; (d)
- (8) Class I: Administrative Actions; Category 5: Rights and Real Property Determinations; (a)
- (9) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (a)
- (10) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use;  
(c)
- (11) Class I: Administrative Actions; Category 7: Designations; (b)
- (12) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (d)
- (13) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (b)
- (14) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (d)
- (15) Class I: Administrative Actions; Category 9: Transfer of Title and Privileges or Reauthorization of Existing Use;  
(c)
- (16) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (d)
- (17) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (d)
- (18) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (d)
- (19) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (c)
- (20) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (c)

## ***F. Solid Minerals***

- (1) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (h)
- (2) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (j)
- (3) Class I: Administrative Actions; Category 8: Contract Administration, Compliance Reviews, and Debarments; (a)
- (4) Class I: Administrative Actions; Category 4: Agreements; (b)
- (5) Class I: Administrative Actions; Category 7: Designations; (e)
- (6) Class I: Administrative Actions; Category 8: Contract Administration, Compliance Reviews, and Debarments; (c)
- (7) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (d)
- (8) Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (d)
- (9) Class III: Construction, Reconstruction, and Reclamation, Category 1: Facilities, Structures, and Devices; (b)
- (10) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (n)

## ***G. Transportation Signs***

- (1) Class I: Administrative Actions; Category 7: Designations; (c)
- (2) Class I: Administrative Actions; Category 10: Operation and Maintenance; (a)(c)
- (3) Class I: Administrative Actions; Category 3: Orders; (a)
- (4) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)

## ***H. Other***

- (1) Class I: Administrative Actions; Category 1: Departmental Categorical Exclusion List, DOI; 1.10
- (2) Class II: Occupancy, Use, and Ownership; Category 3: Ownership; (a)
- (3) Exceptions; C. Hazardous Substance Cleanup and Removal
- (4) Class II: Occupancy, Use, and Ownership; Category 1: Approval, Issuance, Authorization, Reauthorization; (a)
- (5) Exceptions; B. Specific Emergency Actions; 4. Human Health and Safety  
Class II: Occupancy, Use, and Ownership; Category 2: Minor Modifications and Termination of Use; (a)
- (6) Class I: Administrative Actions; Category 1: Departmental Categorical Exclusion List, DOI; 1.6
- (7) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)
- (8) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)
- (9) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (a)
- (10) Class III: Construction, Reconstruction, Reclamation; Category 1: Facilities, Structures, and Devices; (c)
- (11) Class I: Administrative Actions; Category 4: Agreements; (a)
- (12) Class I: Administrative Actions; Category 7: Designations; (d)

**FOREST SERVICE CATEGORICAL EXCLUSION MATRIX**  
**IDENTIFYING RELATIONSHIP BETWEEN EXISTING**  
**FOREST SERVICE CATEGORICAL EXCLUSION LIST AND 9/9/97 DRAFT**

Current Category - FSH 1909.15

Proposed Category

Exceptions

A - Congressionally exempt

Emergency Actions

08.1 - Fire Suppression

B.1 - Flood Control

B.2 - Fire Suppression

B.3 - Human Health and Safety

08.1 - Other Emergency Actions

B.4 - Other Emergency Actions

C - Hazardous Substance Clean Up

08.2- Classified Actions

D - Classified Actions

Cannabis Eradication

D.1 - Cannabis Eradication

Categorical Exclusions

30.3.2 - Extraordinary

I, II, III, IV - Extraordinary

Circumstances

Circumstances for the Class

31.1a - Secretary's

Class I, Category 1 - Departmental

31.1b.1 - Orders I.3 - Orders

31.1b.2 - Rules I.2 - Procedural Rules

31.1b.3 - Admin Site Maintenance

I.10 - Maintenance

31.1b.4 - Road/Trail Maintenance

I.10 - Maintenance

31.1b.5 - Rec Site Maintenance

I.10 - Maintenance

31.1b.6 - Acquisition of Land

II.3 - Ownership

31.1b.7 - Sale of Land

II.3 - Ownership

31.1b.8 - Special Uses

II.1, 2 - Approval & Modification

31.2.1 - Trail Construction

III.2 - Roads and Trail Construction

31.2.2 - Utilities Construction

III.1 - Facilities Construction

31.2.3 - Special Uses (5 acres)

II.1, 2 - Approval & Modification

31.2.4 - Timber Harvest

IV.4 - Timber Sale Contract

31.2.5 - Regeneration

IV.1, 2, 3 - Fire, Veg Mgt, Regen

31.2.6 - Improve Stand/Habitat

IV.1, 2, 3 - Fire, Veg Mgt, Regen

31.2.7 - Aquatic Habitat

III.1 - Structures Construction

31.2.8 - Minerals II.1, 2 - Approval & Modification

III.1 & IV.1, 2 - Construc & Veg Mgt

31.2.9 - Allotment Management

I.4 - Agreements

I.5 - Determinations

I.6 - Rejections

I.7 - Designations

I.8 - Contract Admin

I.9 - Transfer of Title

IV.5 - Wildlife, Livestock

IV.6 - Burned Area Rehab